

Appln. No. 10/648,894  
Amendment  
Reply to Office Action dated June 23, 2005

Docket No. 9526-18

### REMARKS

These remarks are in response to the Office Action dated June 23, 2005. This response is filed with a request for a three month extension of time and authorization to charge Deposit Account No. 50-0951 for the appropriate fees.

At the time of the Office Action, claims 1-9 were pending in the application. In the Office Action, claims 1-9 are rejected under 35 U.S.C. §112, second paragraph. Claims 1-9 were rejected under 35 U.S.C. §103(a). Claim 1 is provisionally rejected under the judicially created doctrine of obviousness-type double patenting. The rejections are discussed in more detail below.

#### I. Claim Rejections under 35 U.S.C. §112

Claims 1-9 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Applicant has amended the claims in a manner believed to overcome the rejections. Withdrawal of the rejection is thus respectfully requested.

#### II. Claim Rejections on Art

Claims 1-9 were rejected under 35 U.S.C. §103(a) as being unpatentable over European Patent No. 1 153 653 to Filippi et al. in combination with PCT Publication No. WO 90/09234 to Haldor.

Contrary to what is stated in the Office Action, Filippi et al. fails to disclose the features recited in claim 1. In particular, according to Filippi et al., only one single flow of a heat exchange operating fluid is disclosed, with crosses the heat exchangers according to an inlet/outlet path (see for instance Filippi et al., figure 2, wherein the heat exchange operating fluid flows through each plate heat exchanger 14 from a distributor duct 17b (inlet) to a collector duct 11b (outlet)). The step of feeding a second flow of heat exchange operating fluid at one or more intermediate positions of such an inlet/outlet path is thus neither disclosed nor suggested by Filippi et al. Moreover, as recognized by the Examiner, no tubular heat exchanger is disclosed in Filippi et al.

Appln. No. 10/648,894  
Amendment  
Reply to Office Action dated June 23, 2005

Docket No. 9526-18

Haldor also fails to disclose the features recited in claim 1. In particular, according to the teaching of Haldor, only one single flow of heat exchange operating fluid is fed to the tubular heat exchanger. As it is clearly shown in figure 2 of Haldor, the cooling tube 38 is provided with a single inlet end 2a where the whole flow of heat exchange fluid is fed. To the contrary, according to the method recited in claim 1, two flows of operating fluid are separately fed to the tubular heat exchanger, the second flow being fed at one or more intermediate positions of the inlet/outlet path of the first flow. It follows that the reactor according to Haldor operates in a manner and with technical results that are not comparable with the claimed method. Therefore the technical problem of the present invention and the claimed solution thereto cannot be considered as being suggested or disclosed by Haldor in combination with Filippi et al.

Thus, even if the teaching of Filippi et al. were combined with the teaching of Haldor, a person having ordinary skill in the art would not arrive at a method having all of the limitations of claim 1. The subject-matter of present claim 1 is thus believed new and non-obvious in view of the cited prior art.

The above observations further apply to independent claim 2 and dependent claims 3-10, which are also believed to relate to patentable subject matter.

### III. Double Patenting Rejections

Claim 1 was provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of copending U.S. Patent Application No. 10/082,264.

A Terminal Disclaimer is filed herewith to overcome the rejection based upon U.S. Patent Application No. 10/082,264. The Commissioner is hereby authorized to charge the terminal disclaimer fee of \$65.00 to Deposit Account No. 50-0951.

### IV. Conclusion

Applicant has made every effort to present claims which distinguish over the prior art, and it is believed that all claims are in condition for allowance. Nevertheless, Applicant invites the Examiner to call the undersigned if it is believed that a telephonic interview would expedite the

Appln. No. 10/648,894

Docket No. 9526-18

Amendment

Reply to Office Action dated June 23, 2005

prosecution of the application to an allowance. In view of the foregoing remarks, Applicant respectfully requests reconsideration and prompt allowance of the pending claims.

Respectfully submitted,

Date: 12-23-05

  
Mark D. Passler

Registration No. 40,764

**AKERMAN SENTERFITT**

Post Office Box 3188

West Palm Beach, FL 33402-3188

Telephone: (561) 653-5000

Docket No. 9526-18